

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1760

Introduced by Assembly Member Santiago

(Principal coauthors: Assembly Members Campos and Weber)

(Principal coauthor: Senator Liu)

(Coauthors: Assembly Members Cristina Garcia and Maienschein)

February 2, 2016

An act to amend Sections 1522.41 and 1529.2 of the Health and Safety Code, to amend Sections ~~236.1, 647, 653.22, 236.1~~ and 13519.14 of, and to add ~~Sections 236.21 and 236.22~~ *Section 236.21* to, the Penal Code, and to amend Sections 300, 16206, and 16540 of, and to add Chapter 4 (commencing with Section 2200) and Chapter 5 (commencing with Section 2300) to Division 2.5 of, the Welfare and Institutions Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as amended, Santiago. Human trafficking.

(1) Under existing law, as amended by Proposition 35, an initiative measure approved by the voters at the November 6, 2012, statewide general election, a person who deprives or violates another person's personal liberty with the intent to obtain forced labor or services or who deprives or violates another person's personal liberty for the purpose of prostitution or sexual exploitation is guilty of human trafficking, a felony. Proposition 35 provides that it may be amended by a statute in furtherance of its objectives by a majority of the membership of each house of the Legislature concurring.

This bill would require a peace officer to determine whether a suspect of a crime is a minor who ~~has engaged in a commercial sex act or has~~

~~committed a crime constituting a commercial sex act, or is a minor who is a human trafficking victim, and whether any nonviolent other crime that person is suspected of was committed as a direct result of being trafficked. The bill would require the peace officer to make a record of this determination. determination and provide the district attorney with the record for an independent review. Upon making this determination, unless the minor is otherwise arrested, the bill would require the peace officer to report suspected abuse or neglect of the minor to the county child welfare agency. The bill would prohibit the arrest of a minor meeting the above criteria and would require any record of an arrest previously made to be sealed and destroyed. agency and consult with a child welfare worker regarding safe placement for the minor and would require the peace officer to transport the minor to that placement. The bill would allow the minor to be adjudged a dependent subject to the jurisdiction of the juvenile court and would allow the minor to be taken into temporary custody to protect the minor from his or her human trafficker.~~ By imposing new duties on local peace officers, this bill would impose a state-mandated local program.

~~Commencing June 30, 2017, the bill would make immune from prosecution a minor who has engaged in a commercial sex act or who committed a nonviolent crime as a human trafficking victim and would instead allow the minor to be adjudged to be a dependent subject to the jurisdiction of the juvenile court. The bill would allow the minor to be taken into temporary custody to protect the minor from his or her human trafficker.~~

~~(2) Existing law makes it a crime to solicit or engage in any act of prostitution. Existing law makes it a crime to loiter in any public place with the intent to commit prostitution.~~

~~Commencing June 30, 2017, this bill would prohibit the arrest or punishment of a minor who has exchanged or attempted to exchange sex acts in return for money or other consideration. Commencing June 30, 2017, the bill would prohibit the arrest or punishment of a minor who has loitered in a public place with the intent to exchange sex acts in return for money or other consideration. The bill would instead allow the person to be adjudicated a dependent of the juvenile court and would require a peace officer to report suspected abuse or neglect to the county child welfare agency. By imposing new duties on local law enforcement, this bill would impose a state-mandated local program.~~

~~(3)~~

(2) Existing law requires the Commission on Peace Officer Standards and Training to implement a course of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and to develop guidelines for law enforcement response to human trafficking.

This bill would require the commission to update its training to conform with changes in law that this bill would make ~~prohibiting the arrest and punishment of minor~~ *regarding minors who are* victims of human trafficking.

(4)

(3) Existing law allows a child who is sexually trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts, and whose parent or guardian has failed or was unable to protect the child, to be adjudged a dependent of the juvenile court.

This bill would enact the State Plan to Serve and Protect Child Trafficking Victims and would require the California Health and Human Services Agency, no later than January 30, 2017, to convene an interagency workgroup, as prescribed, to develop the plan. The bill would require the plan to include, among other things, at a minimum, a multiagency-coordinated child trafficking response protocol and guidelines for local implementation that establish clear lines of ongoing responsibility to ensure that child trafficking victims have access to the necessary continuum of treatment options. The bill would require the workgroup to submit the plan to the Legislature, Judicial Council, and Governor no later than January 30, 2018.

The bill would require the State Department of Social Services to establish a working group ~~in consultation~~ *after consulting* with county welfare ~~departments~~ *departments, the interagency workgroup established pursuant to this bill,* and other stakeholders to develop recommendations for the board, care, and supervision of child trafficking victims who are in need of placement in facilities that will protect them from traffickers and provide needed specialized support and services.

The bill would require the State Department of Social Services, with input from county child welfare agencies, probation ~~departments,~~ *departments, the interagency workgroup,* and other stakeholders, to identify, develop, and disseminate screening tools for use by county child welfare and probation staff to identify children who are child trafficking victims. The bill would require the department, no later than December 31, 2017, to provide counties with guidance on the use of the screening tools.

The bill would require the State Department of Social Services and the State Department of Health Care Services, in consultation with county child welfare and county mental health representatives and other stakeholders, to identify tools and best practices to screen, assess, and serve child trafficking victims. The bill would require the State Department of Social Services to develop curriculum and provide training to local multidisciplinary teams no later than December 31, 2017.

The bill would require each county to develop an interagency protocol to be utilized in serving child trafficking victims. The bill would require each county's protocol to be adopted by the board of supervisors no later than June 30, 2017. The bill would require the protocols to identify the roles and responsibilities of ~~county-based~~ *county-based* agencies and local service responders in serving victims of trafficking or commercial sexual exploitation. By imposing new duties on local governments, this bill would impose a state-mandated local program.

The bill would require that the administrator certification program for group homes, the administrator certification program for short-term residential treatment centers, mandatory training for licensed or certified foster parents, and training for mandated child abuse reporters and child welfare personnel include instruction on cultural competency and sensitivity and related best practices for providing adequate care to child trafficking victims.

~~(5)~~

(4) Existing law establishes the California Child Welfare Council, which serves as the advisory body responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems.

This bill would require the California Child Welfare Council to provide recommendations and updates to the State Plan to Serve and Protect Child Trafficking Victims.

~~(6)~~

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1522.41 of the Health and Safety Code
2 is amended to read:
3 1522.41. (a) (1) The department, in consultation and
4 collaboration with county placement officials, group home provider
5 organizations, the Director of Health Care Services, and the
6 Director of Developmental Services, shall develop and establish
7 an administrator certification training program to ensure that
8 administrators of group home facilities have appropriate training
9 to provide the care and services for which a license or certificate
10 is issued.
11 (2) The department shall develop and establish an administrator
12 certification training program to ensure that administrators of
13 short-term residential treatment center facilities have appropriate
14 training to provide the care and services for which a license or
15 certificate is issued.
16 (b) (1) In addition to any other requirements or qualifications
17 required by the department, an administrator of a group home or
18 short-term residential treatment center shall successfully complete
19 a specified department-approved training certification program,
20 pursuant to subdivision (c), prior to employment.
21 (2) In those cases when the individual is both the licensee and
22 the administrator of a facility, the individual shall comply with all
23 of the licensee and administrator requirements of this section.
24 (3) Failure to comply with this section shall constitute cause for
25 revocation of the license of the facility.
26 (4) The licensee shall notify the department within 10 days of
27 any change in administrators.
28 (c) (1) The administrator certification programs for group homes
29 shall require a minimum of 40 hours of classroom instruction that
30 provides training on a uniform core of knowledge in each of the
31 following areas:
32 (A) Laws, regulations, and policies and procedural standards
33 that impact the operations of the type of facility for which the
34 applicant will be an administrator.
35 (B) Business operations.

- 1 (C) Management and supervision of staff.
- 2 (D) Psychosocial and educational needs of the facility residents,
- 3 including, but not limited to, the information described in
- 4 subdivision (d) of Section 16501.4 of the Welfare and Institutions
- 5 Code.
- 6 (E) Community and support services.
- 7 (F) Physical needs of facility residents.
- 8 (G) Assistance with self-administration, storage, misuse, and
- 9 interaction of medication used by facility residents.
- 10 (H) Resident admission, retention, and assessment procedures,
- 11 including the right of a foster child to have fair and equal access
- 12 to all available services, placement, care, treatment, and benefits,
- 13 and to not be subjected to discrimination or harassment on the
- 14 basis of actual or perceived race, ethnic group identification,
- 15 ancestry, national origin, color, religion, sex, sexual orientation,
- 16 gender identity, mental or physical disability, or HIV status.
- 17 (I) Instruction on cultural competency and sensitivity and related
- 18 best practices for providing adequate care for children across
- 19 diverse ethnic and racial backgrounds, as well as children
- 20 identifying as lesbian, gay, bisexual, or transgender.
- 21 (J) Instruction on cultural competency and sensitivity and related
- 22 best practices for providing adequate care to child trafficking
- 23 victims.
- 24 (K) Nonviolent emergency intervention and reporting
- 25 requirements.
- 26 (L) Basic instruction on the existing laws and procedures
- 27 regarding the safety of foster youth at school and the ensuring of
- 28 a harassment- and violence-free school environment contained in
- 29 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
- 30 19 of Division 1 of Title 1 of the Education Code.
- 31 (2) The administrator certification programs for short-term
- 32 residential treatment centers shall require a minimum of 40 hours
- 33 of classroom instruction that provides training on a uniform core
- 34 of knowledge in each of the following areas:
- 35 (A) Laws, regulations, and policies and procedural standards
- 36 that impact the operations of the type of facility for which the
- 37 applicant will be an administrator.
- 38 (B) Business operations and management and supervision of
- 39 staff, including staff training.

1 (C) Physical and psychosocial needs of the children, including
2 behavior management, de-escalation techniques, and trauma
3 informed crisis management planning.

4 (D) Permanence, well-being, and educational needs of the
5 children.

6 (E) Community and support services, including accessing local
7 behavioral and mental health supports and interventions, substance
8 use disorder treatments, and culturally relevant services, as
9 appropriate.

10 (F) Understanding the requirements and best practices regarding
11 psychotropic medications, including, but not limited to, court
12 authorization, uses, benefits, side effects, interactions, assistance
13 with self-administration, misuse, documentation, storage, and
14 metabolic monitoring of children prescribed psychotropic
15 medications.

16 (G) Admission, retention, and assessment procedures, including
17 the right of a foster child to have fair and equal access to all
18 available services, placement, care, treatment, and benefits, and
19 to not be subjected to discrimination or harassment on the basis
20 of actual or perceived race, ethnic group identification, ancestry,
21 national origin, color, religion, sex, sexual orientation, gender
22 identity, mental or physical disability, or HIV status.

23 (H) The federal Indian Child Welfare Act (25 U.S.C Sec. 1901
24 et seq.), its historical significance, the rights of children covered
25 by the act, and the best interests of Indian children as including
26 culturally appropriate, child-centered practices that respect Native
27 American history, culture, retention of tribal membership, and
28 connection to the tribal community and traditions.

29 (I) Instruction on cultural competency and sensitivity and related
30 best practices for providing adequate care for children across
31 diverse ethnic and racial backgrounds, as well as children
32 identifying as lesbian, gay, bisexual, or transgender.

33 (J) Instruction on cultural competency and sensitivity and related
34 best practices for providing adequate care to child trafficking
35 victims.

36 (K) Nonviolent emergency intervention and reporting
37 requirements.

38 (L) Basic instruction on the existing laws and procedures
39 regarding the safety of foster youth at school and the ensuring of
40 a harassment- and violence-free school environment contained in

Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

(d) Administrators who possess a valid group home license, issued by the department, are exempt from completing an approved initial certification training program and taking a written test, provided the individual completes 12 hours of classroom instruction in the following uniform core of knowledge areas:

(1) Laws, regulations, and policies and procedural standards that impact the operations of a short-term residential treatment center.

(2) (A) Authorization, uses, benefits, side effects, interactions, assistance with self-administration, misuse, documentation, and storage of medications.

(B) Metabolic monitoring of children prescribed psychotropic medications.

(3) Admission, retention, and assessment procedures, including the right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(4) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children as including culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(5) Instruction on cultural competency and sensitivity and related best practices for providing adequate care for children across diverse ethnic and racial backgrounds, as well as children identifying as lesbian, gay, bisexual, or transgender.

(6) Instruction on cultural competency and sensitivity and related best practices for providing adequate care to child trafficking victims.

(7) Physical and psychosocial needs of children, including behavior management, deescalation techniques, and trauma informed crisis management planning.

(e) Individuals applying for administrator certification under this section shall successfully complete an approved administrator

1 certification training program, pass a written test administered by
2 the department within 60 days of completing the program, and
3 submit to the department the documentation required by
4 subdivision (f) within 30 days after being notified of having passed
5 the test. The department may extend these time deadlines for good
6 cause. The department shall notify the applicant of his or her test
7 results within 30 days of administering the test.

8 (f) The department shall not begin the process of issuing a
9 certificate until receipt of all of the following:

10 (1) A certificate of completion of the administrator training
11 required pursuant to this chapter.

12 (2) The fee required for issuance of the certificate. A fee of one
13 hundred dollars (\$100) shall be charged by the department to cover
14 the costs of processing the application for certification.

15 (3) Documentation from the applicant that he or she has passed
16 the written test.

17 (4) Submission of fingerprints pursuant to Section 1522. The
18 department may waive the submission for those persons who have
19 a current clearance on file.

20 (5) That person is at least 21 years of age.

21 (g) It shall be unlawful for any person not certified under this
22 section to hold himself or herself out as a certified administrator
23 of a group home or short-term residential treatment center. Any
24 person willfully making any false representation as being a certified
25 administrator or facility manager is guilty of a misdemeanor.

26 (h) (1) Certificates issued under this section shall be renewed
27 every two years and renewal shall be conditional upon the
28 certificate holder submitting documentation of completion of 40
29 hours of continuing education related to the core of knowledge
30 specified in subdivision (c). No more than one-half of the required
31 40 hours of continuing education necessary to renew the certificate
32 may be satisfied through online courses. All other continuing
33 education hours shall be completed in a classroom setting. For
34 purposes of this section, an individual who is a group home or
35 short-term residential treatment center administrator and who is
36 required to complete the continuing education hours required by
37 the regulations of the State Department of Developmental Services,
38 and approved by the regional center, may have up to 24 of the
39 required continuing education course hours credited toward the
40 40-hour continuing education requirement of this section. The

1 department shall accept for certification, community college course
2 hours approved by the regional centers.

3 (2) Every administrator of a group home or short-term residential
4 treatment center shall complete the continuing education
5 requirements of this subdivision.

6 (3) Certificates issued under this section shall expire every two
7 years on the anniversary date of the initial issuance of the
8 certificate, except that any administrator receiving his or her initial
9 certification on or after July 1, 1999, shall make an irrevocable
10 election to have his or her recertification date for any subsequent
11 recertification either on the date two years from the date of issuance
12 of the certificate or on the individual's birthday during the second
13 calendar year following certification. The department shall send
14 a renewal notice to the certificate holder 90 days prior to the
15 expiration date of the certificate. If the certificate is not renewed
16 prior to its expiration date, reinstatement shall only be permitted
17 after the certificate holder has paid a delinquency fee equal to three
18 times the renewal fee and has provided evidence of completion of
19 the continuing education required.

20 (4) To renew a certificate, the certificate holder shall, on or
21 before the certificate expiration date, request renewal by submitting
22 to the department documentation of completion of the required
23 continuing education courses and pay the renewal fee of one
24 hundred dollars (\$100), irrespective of receipt of the department's
25 notification of the renewal. A renewal request postmarked on or
26 before the expiration of the certificate shall be proof of compliance
27 with this paragraph.

28 (5) A suspended or revoked certificate shall be subject to
29 expiration as provided for in this section. If reinstatement of the
30 certificate is approved by the department, the certificate holder,
31 as a condition precedent to reinstatement, shall submit proof of
32 compliance with paragraphs (1) and (2) of this subdivision, and
33 shall pay a fee in an amount equal to the renewal fee, plus the
34 delinquency fee, if any, accrued at the time of its revocation or
35 suspension. Delinquency fees, if any, accrued subsequent to the
36 time of its revocation or suspension and prior to an order for
37 reinstatement, shall be waived for a period of 12 months to allow
38 the individual sufficient time to complete the required continuing
39 education units and to submit the required documentation.
40 Individuals whose certificates will expire within 90 days after the

1 order for reinstatement may be granted a three-month extension
2 to renew their certificates during which time the delinquency fees
3 shall not accrue.

4 (6) A certificate that is not renewed within four years after its
5 expiration shall not be renewed, restored, reissued, or reinstated
6 except upon completion of a certification training program, passing
7 any test that may be required of an applicant for a new certificate
8 at that time, and paying the appropriate fees provided for in this
9 section.

10 (7) A fee of twenty-five dollars (\$25) shall be charged for the
11 reissuance of a lost certificate.

12 (8) A certificate holder shall inform the department of his or
13 her employment status and change of mailing address within 30
14 days of any change.

15 (i) Unless otherwise ordered by the department, the certificate
16 shall be considered forfeited under either of the following
17 conditions:

18 (1) The department has revoked any license held by the
19 administrator after the department issued the certificate.

20 (2) The department has issued an exclusion order against the
21 administrator pursuant to Section 1558, 1568.092, 1569.58, or
22 1596.8897, after the department issued the certificate, and the
23 administrator did not appeal the exclusion order or, after the appeal,
24 the department issued a decision and order that upheld the
25 exclusion order.

26 (j) (1) The department, in consultation and collaboration with
27 county placement officials, provider organizations, the State
28 Department of Health Care Services, and the State Department of
29 Developmental Services, shall establish, by regulation, the program
30 content, the testing instrument, the process for approving
31 administrator certification training programs, and criteria to be
32 used in authorizing individuals, organizations, or educational
33 institutions to conduct certification training programs and
34 continuing education courses. The department may also grant
35 continuing education hours for continuing courses offered by
36 accredited educational institutions that are consistent with the
37 requirements in this section. The department may deny vendor
38 approval to any agency or person in any of the following
39 circumstances:

1 (A) The applicant has not provided the department with evidence
2 satisfactory to the department of the ability of the applicant to
3 satisfy the requirements of vendorization set out in the regulations
4 adopted by the department.

5 (B) The applicant person or agency has a conflict of interest in
6 that the person or agency places its clients in group homes or
7 short-term residential treatment centers.

8 (C) The applicant public or private agency has a conflict of
9 interest in that the agency is mandated to place clients in group
10 homes or short-term residential treatment centers and to pay
11 directly for the services. The department may deny vendorization
12 to this type of agency only as long as there are other vendor
13 programs available to conduct the certification training programs
14 and conduct education courses.

15 (2) The department may authorize vendors to conduct the
16 administrator's certification training program pursuant to this
17 section. The department shall conduct the written test pursuant to
18 regulations adopted by the department.

19 (3) The department shall prepare and maintain an updated list
20 of approved training vendors.

21 (4) The department may inspect administrator certification
22 training programs and continuing education courses, including
23 online courses, at no charge to the department, to determine if
24 content and teaching methods comply with regulations. If the
25 department determines that any vendor is not complying with the
26 requirements of this section, the department shall take appropriate
27 action to bring the program into compliance, which may include
28 removing the vendor from the approved list.

29 (5) The department shall establish reasonable procedures and
30 timeframes not to exceed 30 days for the approval of vendor
31 training programs.

32 (6) The department may charge a reasonable fee, not to exceed
33 one hundred fifty dollars (\$150) every two years, to certification
34 program vendors for review and approval of the initial 40-hour
35 training program pursuant to subdivision (c). The department may
36 also charge the vendor a fee, not to exceed one hundred dollars
37 (\$100) every two years, for the review and approval of the
38 continuing education courses needed for recertification pursuant
39 to this subdivision.

1 (7) (A) A vendor of online programs for continuing education
2 shall ensure that each online course contains all of the following:

3 (i) An interactive portion in which the participant receives
4 feedback, through online communication, based on input from the
5 participant.

6 (ii) Required use of a personal identification number or personal
7 identification information to confirm the identity of the participant.

8 (iii) A final screen displaying a printable statement, to be signed
9 by the participant, certifying that the identified participant
10 completed the course. The vendor shall obtain a copy of the final
11 screen statement with the original signature of the participant prior
12 to the issuance of a certificate of completion. The signed statement
13 of completion shall be maintained by the vendor for a period of
14 three years and be available to the department upon demand. Any
15 person who certifies as true any material matter pursuant to this
16 clause that he or she knows to be false is guilty of a misdemeanor.

17 (B) Nothing in this subdivision shall prohibit the department
18 from approving online programs for continuing education that do
19 not meet the requirements of subparagraph (A) if the vendor
20 demonstrates to the department's satisfaction that, through
21 advanced technology, the course and the course delivery meet the
22 requirements of this section.

23 (k) The department shall establish a registry for holders of
24 certificates that shall include, at a minimum, information on
25 employment status and criminal record clearance.

26 (l) Notwithstanding any law to the contrary, vendors approved
27 by the department who exclusively provide either initial or
28 continuing education courses for certification of administrators of
29 a group home or short-term residential treatment center as defined
30 by regulations of the department, an adult residential facility as
31 defined by regulations of the department, or a residential care
32 facility for the elderly as defined in subdivision (k) of Section
33 1569.2, shall be regulated solely by the department pursuant to
34 this chapter. No other state or local governmental entity shall be
35 responsible for regulating the activity of those vendors.

36 SEC. 2. Section 1529.2 of the Health and Safety Code, as added
37 by ~~Chapter 773~~ *Section 24.5 of the Statutes Chapter 773 of the*
38 *Statutes of 2015*, is amended to read:

39 1529.2. (a) It is the intent of the Legislature that all foster
40 parents have the necessary knowledge, skills, and abilities to

1 support the safety, permanency, and well-being of children in foster
2 care. Initial and ongoing preparation and training of foster parents
3 should support the foster parent's role in parenting vulnerable
4 children, youth, and young adults, including supporting the
5 children's connection with their families. Their training should be
6 ongoing in order to provide foster parents with information on new
7 practices and requirements and other helpful topics within the child
8 welfare and probation systems and may be offered in a classroom
9 setting, online, or individually.

10 (b) A licensed or certified foster parent shall complete a
11 minimum of eight training hours annually, a portion of which shall
12 be from one or more of the following topics, as prescribed by the
13 department, pursuant to subdivision (a):

14 (1) Age-appropriate child and adolescent development.

15 (2) Health issues in foster care, including, but not limited to,
16 the authorization, uses, risks, benefits, assistance with
17 self-administration, oversight, and monitoring of psychotropic or
18 other medications, and trauma, mental health, and substance use
19 disorder treatments for children in foster care under the jurisdiction
20 of the juvenile court, including how to access those treatments.
21 Health issues in foster care, including, but not limited to, the
22 authorization, uses, risks, benefits, assistance with
23 self-administration, oversight, and monitoring of psychotropic or
24 other medications, and trauma, mental health, and substance use
25 disorder treatments for children in foster care under the jurisdiction
26 of the juvenile court, including how to access those treatments, as
27 the information is also described in subdivision (d) of Section
28 16501.4 of the Welfare and Institutions Code.

29 (3) Positive discipline and the importance of self-esteem.

30 (4) Preparation of children and youth for a successful transition
31 to adulthood.

32 (5) The right of a foster child to have fair and equal access to
33 all available services, placement, care, treatment, and benefits, and
34 to not be subjected to discrimination or harassment on the basis
35 of actual or perceived race, ethnic group identification, ancestry,
36 national origin, color, religion, sex, sexual orientation, gender
37 identity, mental or physical disability, or HIV status.

38 (6) Instruction on cultural competency and sensitivity and related
39 best practices for providing adequate care for children across

1 diverse ethnic and racial backgrounds, as well as children
2 identifying as lesbian, gay, bisexual, or transgender.

3 (7) Instruction on cultural competency and sensitivity and related
4 best practices for providing adequate care to child trafficking
5 victims.

6 (c) In addition to any training required by this section, a foster
7 parent may be required to receive specialized training, as relevant,
8 for the purpose of preparing the foster parent to meet the needs of
9 a particular child in care. This training may include, but is not
10 limited to, the following:

11 (1) Understanding how to use best practices for providing care
12 and supervision to commercially sexually exploited children.

13 (2) Understanding cultural needs of children, including, but not
14 limited to, cultural competency and sensitivity and related best
15 practices for providing adequate care to children across diverse
16 ethnic and racial backgrounds, as well as children identifying as
17 lesbian, gay, bisexual, or transgender.

18 (3) Understanding the requirements and best practices regarding
19 psychotropic medications, including, but not limited to, court
20 authorization, benefits, uses, side effects, interactions, assistance
21 with self-administration, misuse, documentation, storage, and
22 metabolic monitoring of children prescribed psychotropic
23 medications.

24 (4) Understanding the federal Indian Child Welfare Act (25
25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
26 children covered by the act, and the best interests of Indian
27 children, including the role of the caregiver in supporting culturally
28 appropriate, child-centered practices that respect Native American
29 history, culture, retention of tribal membership and connection to
30 the tribal community and traditions.

31 (5) Understanding how to use best practices for providing care
32 and supervision to nonminor dependents.

33 (6) Understanding how to use best practices for providing care
34 and supervision to children with special health care needs.

35 (d) No child shall be placed with a foster parent unless each
36 foster parent in the home meets the requirements of this section.

37 (e) (1) Upon the request of the licensed or certified foster parent
38 for a hardship waiver from the annual training requirement or a
39 request for an extension of the deadline, the county may, at its
40 option, on a case-by-case basis, waive the training requirement or

1 extend any established deadline for a period not to exceed one
2 year, if the training requirement presents a severe and unavoidable
3 obstacle to continuing as a foster parent.

4 (2) Obstacles for which a county may grant a hardship waiver
5 or extension are:

6 (A) Lack of access to training due to the cost or travel required
7 or lack of child care to participate in the training, when online
8 resources are not available.

9 (B) Family emergency.

10 (3) Before a waiver or extension may be granted, the licensed
11 or certified foster parent should explore the opportunity of
12 receiving training online or by video or written materials.

13 (f) (1) Foster parent training may be obtained through sources
14 that include, but are not necessarily limited to, community colleges,
15 counties, hospitals, foster parent associations, the California State
16 Foster Parent Association's conference, online resources, adult
17 schools, and certified foster parent instructors.

18 (2) In addition to the foster parent training provided by
19 community colleges, foster family agencies shall provide a program
20 of training for their certified foster families.

21 (g) (1) Training certificates shall be submitted to the appropriate
22 licensing or foster family agency.

23 (2) Upon completion, a licensed or certified parent shall submit
24 a certificate of completion for the annual training requirements.

25 (h) Nothing in this section shall preclude a county or a foster
26 family agency from requiring foster parent training in excess of
27 the requirements in this section.

28 (i) This section shall become operative on January 1, 2017.

29 (j) This section shall remain in effect only until January 1, 2019,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2019, deletes or extends that date.

32 SEC. 3. Section 236.1 of the Penal Code is amended to read:

33 236.1. (a) A person who deprives or violates the personal
34 liberty of another with the intent to obtain forced labor or services,
35 is guilty of human trafficking and shall be punished by
36 imprisonment in the state prison for 5, 8, or 12 years and a fine of
37 not more than five hundred thousand dollars (\$500,000).

38 (b) A person who deprives or violates the personal liberty of
39 another with the intent to effect or maintain a violation of Section
40 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5,

1 311.6, or 518 is guilty of human trafficking and shall be punished
2 by imprisonment in the state prison for 8, 14, or 20 years and a
3 fine of not more than five hundred thousand dollars (\$500,000).

4 (c) A person who causes, induces, or persuades, or attempts to
5 cause, induce, or persuade, a person who is a minor at the time of
6 commission of the offense to engage in a commercial sex act, with
7 the intent to effect or maintain a violation of Section 266, 266h,
8 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518
9 is guilty of human trafficking. A violation of this subdivision is
10 punishable by imprisonment in the state prison as follows:

11 (1) Five, 8, or 12 years and a fine of not more than five hundred
12 thousand dollars (\$500,000).

13 (2) Fifteen years to life and a fine of not more than five hundred
14 thousand dollars (\$500,000) when the offense involves force, fear,
15 fraud, deceit, coercion, violence, duress, menace, or threat of
16 unlawful injury to the victim or to another person.

17 (d) In determining whether a minor was caused, induced, or
18 persuaded to engage in a commercial sex act, the totality of the
19 circumstances, including the age of the victim, his or her
20 relationship to the trafficker or agents of the trafficker, and any
21 handicap or disability of the victim, shall be considered.

22 (e) Consent by a victim of human trafficking who is a minor at
23 the time of the commission of the offense is not a defense to a
24 criminal prosecution under this section.

25 (f) Mistake of fact as to the age of a victim of human trafficking
26 who is a minor at the time of the commission of the offense is not
27 a defense to a criminal prosecution under this section.

28 (g) The Legislature finds that the definition of human trafficking
29 in this section is equivalent to the federal definition of a severe
30 form of trafficking found in Section 7102(9) of Title 22 of the
31 United States Code.

32 (h) For purposes of this chapter, the following definitions apply:

33 (1) "Coercion" includes a scheme, plan, or pattern intended to
34 cause a person to believe that failure to perform an act would result
35 in serious harm to or physical restraint against any person; the
36 abuse or threatened abuse of the legal process; debt bondage; or
37 providing and facilitating the possession of a controlled substance
38 to a person with the intent to impair the person's judgment.

39 (2) "Commercial sex act" means sexual conduct on account of
40 which anything of value is given or received by a person.

(3) “Deprivation or violation of the personal liberty of another” includes substantial and sustained restriction of another’s liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

(4) “Duress” includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess an actual or purported passport or immigration document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or immigration document of the victim.

(5) “Forced labor or services” means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

(6) “Great bodily injury” means a significant or substantial physical injury.

(7) “Human trafficking victim” means a person who is a victim of any of the acts described in subdivisions (a), (b) or (c).

(8) “Minor” means a person less than 18 years of age.

(9) “Serious harm” includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

~~(10) “Nonviolent crime” means any crime or offense other than murder, attempted murder, voluntary manslaughter, mayhem, kidnapping, rape, robbery, arson, carjacking, or any other violent felony as defined in subdivision (c) of Section 667.5.~~

(i) The total circumstances, including the age of the victim, the relationship between the victim and the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be factors to consider in determining the presence of “deprivation or

1 violation of the personal liberty of another,” “duress,” and
2 “coercion” as described in this section.

3 SEC. 4. Section 236.21 is added to the Penal Code, to read:

4 236.21. (a) (1) A peace officer coming in contact with a person
5 described in Section 236.2 shall *make best efforts to* determine
6 whether the person ~~meets either of the following criteria:~~ *is a minor*
7 *who is victim of human trafficking as defined in paragraph (7) of*
8 *subdivision (h) of Section 236.1 and may seek the assistance of*
9 *human trafficking experts within or affiliated with the peace*
10 *officer’s law enforcement agency and nongovernmental*
11 *organizations with specialized training and experience in human*
12 *trafficking in making this determination, if necessary.*

13 ~~(A) A minor who has engaged in a commercial sex act or is~~
14 ~~suspected or charged with committing a crime constituting a~~
15 ~~commercial sex act, including a violation of subdivision (b) of~~
16 ~~Section 647 or Section 653.22.~~

17 ~~(B) A minor who is a human trafficking victim.~~

18 (2) If the peace officer determines that the person is a minor
19 who is a human trafficking victim ~~pursuant to subparagraph (B)~~
20 ~~of paragraph (1); as defined in paragraph (7) of subdivision (h) of~~
21 ~~Section 236.1, and the peace officer has probable cause to believe~~
22 ~~that the minor has also committed other crimes as a direct result~~
23 ~~of being a human trafficking victim, the peace officer shall~~
24 ~~additionally determine whether any non-violent crime the person~~
25 ~~is suspected of or charged with was committed as a direct result~~
26 ~~of being a human trafficking victim. The peace officer shall make~~
27 ~~a record of the determinations made pursuant to this subdivision.~~
28 ~~determination and shall provide the district attorney with the~~
29 ~~record for an independent evaluation.~~

30 ~~(b) Immediately upon making either of the determinations~~
31 ~~specified in subdivision (a), the peace officer shall report suspected~~
32 ~~abuse or neglect of that minor to the agency given responsibility~~
33 ~~for investigation of cases under Section 300 of the Welfare and~~
34 ~~Institutions Code in accordance with Section 11166.~~

35 ~~(c) If the peace officer makes either of the determinations~~
36 ~~specified in subdivision (a), he or she shall not arrest the minor~~
37 ~~for the suspected crime, and the law enforcement agency having~~
38 ~~jurisdiction over the offense shall seal and subsequently destroy~~
39 ~~its records of any arrest previously made for the offense pursuant~~
40 ~~to subdivision (a) of Section 851.8 and take the other actions~~

1 required by that section, as if a determination of factual innocence
2 had been made and concurred in by the prosecuting attorney upon
3 petition by the minor pursuant to subdivision (a) of Section 851.8.

4 (b) Unless the minor is otherwise arrested, upon making the
5 determination specified in paragraph (2) of subdivision (a), the
6 peace officer shall report suspected abuse or neglect of that minor
7 to the agency given responsibility for investigation of cases under
8 Section 300 of the Welfare and Institutions Code in accordance
9 with Section 11166 and shall consult with a child welfare worker
10 regarding safe placement for the minor that will separate the minor
11 from the trafficker and from being trafficked and shall transport
12 the minor to that placement. The minor may be adjudged to be a
13 dependent subject to the jurisdiction of the juvenile court pursuant
14 to paragraph (2) of subdivision (b) of Section 300 of the Welfare
15 and Institutions Code. The minor may be taken into protective
16 custody pursuant to subdivision (a) of Section 305 of the Welfare
17 and Institutions Code upon a reasonable belief that the conditions
18 of subdivision (a) of Section 305 are met, including that custody
19 is necessary to protect the minor from a person found or suspected
20 to have committed any of the acts described in subdivision (a), (b),
21 or (c) of Section 236.1.

22 SEC. 5. Section 236.22 is added to the Penal Code, to read:

23 236.22. (a) Upon a determination made pursuant to Section
24 236.21 that a minor has engaged in a commercial sex act, the minor
25 is immune from prosecution as a juvenile or an adult for any crime
26 based on that act, including prosecution for violations of
27 subdivision (b) of Section 647 or Section 653.22.

28 (b) Upon a determination made pursuant to Section 236.21 that
29 a minor suspected of, or charged with, a non-violent crime was a
30 human trafficking victim at the time of the offense and the crime
31 was a direct result of being a human trafficking victim, the minor
32 is immune from prosecution as a juvenile or an adult for that crime.

33 (c) A minor determined to be immune from prosecution for a
34 crime pursuant to subdivision (a) or (b) shall not be subject to the
35 jurisdiction of the juvenile court pursuant to subdivision (a) or (b)
36 of Section 601 of the Welfare and Institutions Code for the conduct
37 that led to the minor being suspected of or charged with that crime.

38 (d) A minor found to be immune from prosecution for a crime
39 pursuant to subdivision (a) or (b) may be adjudged to be a
40 dependent subject to the jurisdiction of the juvenile court pursuant

1 to paragraph (2) of subdivision (b) of Section 300 of the Welfare
2 and Institutions Code and may be taken into temporary custody
3 pursuant to subdivision (a) of Section 305 of the Welfare and
4 Institutions Code upon a reasonable belief that the conditions of
5 subdivision (a) of Section 305 are met, including that custody is
6 necessary to protect the minor from a person found or suspected
7 to have committed any of the acts described in subdivisions (a);
8 (b) or (c), of Section 236.1.

9 (e) If a minor found to be immune from prosecution for a crime
10 pursuant to subdivision (a) or (b) was arrested for that crime, any
11 law enforcement agency or court having jurisdiction over the
12 offense shall seal and subsequently destroy records relating to that
13 offense pursuant to subdivision (a) of Section 851.8, and take the
14 other actions required by that section, as if a determination of
15 factual innocence had been made and concurred in by the
16 prosecuting attorney upon petition by the minor pursuant to
17 subdivision (a) of Section 851.8.

18 (f) This section shall become operative on June 30, 2017 and
19 applies to offenses committed on or after that date.

20 SEC. 6. Section 647 of the Penal Code is amended to read:

21 647. Except as provided in paragraph (2) of subdivision (b)
22 and subdivision (l), every person who commits any of the following
23 acts is guilty of disorderly conduct, a misdemeanor:

24 (a) Who solicits anyone to engage in or who engages in lewd
25 or dissolute conduct in any public place or in any place open to
26 the public or exposed to public view.

27 (b) (1) Who solicits or who agrees to engage in or who engages
28 in any act of prostitution. A person agrees to engage in an act of
29 prostitution when, with specific intent to so engage, he or she
30 manifests an acceptance of an offer or solicitation to so engage,
31 regardless of whether the offer or solicitation was made by a person
32 who also possessed the specific intent to engage in prostitution.
33 No agreement to engage in an act of prostitution shall constitute
34 a violation of this subdivision unless some act, in addition to the
35 agreement, is done within this state in furtherance of the
36 commission of an act of prostitution by the person agreeing to
37 engage in that act. As used in this subdivision, "prostitution"
38 includes any lewd act between persons for money or other
39 consideration.

~~(2) Notwithstanding paragraph (1), commencing June 30, 2017, an arrest shall not be made and punishment shall not be imposed for a violation of paragraph (1) on a person under 18 years of age who exchanges, or attempts or offers to exchange, sex acts in return for money or other consideration. Instead, the person may be subject to the jurisdiction of the juvenile court pursuant to paragraph (2) of subdivision (b) of Section 300 of the Welfare and Institutions Code. A peace officer who detains a minor for a violation of this subdivision shall report suspected abuse or neglect of the minor to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code in accordance with Section 11166.~~

~~(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.~~

~~(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.~~

~~(e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.~~

~~(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that he or she is unable to exercise care for his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.~~

~~(g) When a person has violated subdivision (f), a peace officer, if he or she is reasonably able to do so, shall place the person, or cause him or her to be placed, in civil protective custody. The person shall be taken to a facility, designated pursuant to Section 5170 of the Welfare and Institutions Code, for the 72-hour treatment and evaluation of inebriates. A peace officer may place a person in civil protective custody with that kind and degree of force which would be lawful were he or she effecting an arrest for a misdemeanor without a warrant. A person who has been placed~~

1 in civil protective custody shall not thereafter be subject to any
2 criminal prosecution or juvenile court proceeding based on the
3 facts giving rise to this placement. This subdivision shall not apply
4 to the following persons:

5 (1) Any person who is under the influence of any drug, or under
6 the combined influence of intoxicating liquor and any drug.

7 (2) Any person who a peace officer has probable cause to believe
8 has committed any felony, or who has committed any misdemeanor
9 in addition to subdivision (f).

10 (3) Any person who a peace officer in good faith believes will
11 attempt escape or will be unreasonably difficult for medical
12 personnel to control.

13 (h) Who loiters, prowls, or wanders upon the private property
14 of another, at any time, without visible or lawful business with the
15 owner or occupant. As used in this subdivision, "loiter" means to
16 delay or linger without a lawful purpose for being on the property
17 and for the purpose of committing a crime as opportunity may be
18 discovered.

19 (i) Who, while loitering, prowling, or wandering upon the private
20 property of another, at any time, peeks in the door or window of
21 any inhabited building or structure, without visible or lawful
22 business with the owner or occupant.

23 (j) (1) Any person who looks through a hole or opening, into,
24 or otherwise views, by means of any instrumentality, including,
25 but not limited to, a periscope, telescope, binoculars, camera,
26 motion picture camera, camcorder, or mobile phone, the interior
27 of a bedroom, bathroom, changing room, fitting room, dressing
28 room, or tanning booth, or the interior of any other area in which
29 the occupant has a reasonable expectation of privacy, with the
30 intent to invade the privacy of a person or persons inside. This
31 subdivision shall not apply to those areas of a private business
32 used to count currency or other negotiable instruments.

33 (2) Any person who uses a concealed camcorder, motion picture
34 camera, or photographic camera of any type, to secretly videotape,
35 film, photograph, or record by electronic means, another,
36 identifiable person under or through the clothing being worn by
37 that other person, for the purpose of viewing the body of, or the
38 undergarments worn by, that other person, without the consent or
39 knowledge of that other person, with the intent to arouse, appeal
40 to, or gratify the lust, passions, or sexual desires of that person and

1 ~~invade the privacy of that other person, under circumstances in~~
2 ~~which the other person has a reasonable expectation of privacy.~~

3 ~~(3) (A) Any person who uses a concealed camcorder, motion~~
4 ~~picture camera, or photographic camera of any type, to secretly~~
5 ~~videotape, film, photograph, or record by electronic means, another,~~
6 ~~identifiable person who may be in a state of full or partial undress,~~
7 ~~for the purpose of viewing the body of, or the undergarments worn~~
8 ~~by, that other person, without the consent or knowledge of that~~
9 ~~other person, in the interior of a bedroom, bathroom, changing~~
10 ~~room, fitting room, dressing room, or tanning booth, or the interior~~
11 ~~of any other area in which that other person has a reasonable~~
12 ~~expectation of privacy, with the intent to invade the privacy of that~~
13 ~~other person.~~

14 ~~(B) Neither of the following is a defense to the crime specified~~
15 ~~in this paragraph:~~

16 ~~(i) The defendant was a cohabitant, landlord, tenant, cotenant,~~
17 ~~employer, employee, or business partner or associate of the victim,~~
18 ~~or an agent of any of these.~~

19 ~~(ii) The victim was not in a state of full or partial undress.~~

20 ~~(4) (A) Any person who intentionally distributes the image of~~
21 ~~the intimate body part or parts of another identifiable person, or~~
22 ~~an image of the person depicted engaged in an act of sexual~~
23 ~~intercourse, sodomy, oral copulation, sexual penetration, or an~~
24 ~~image of masturbation by the person depicted or in which the~~
25 ~~person depicted participates, under circumstances in which the~~
26 ~~persons agree or understand that the image shall remain private,~~
27 ~~the person distributing the image knows or should know that~~
28 ~~distribution of the image will cause serious emotional distress, and~~
29 ~~the person depicted suffers that distress.~~

30 ~~(B) A person intentionally distributes an image described in~~
31 ~~subparagraph (A) when he or she personally distributes the image,~~
32 ~~or arranges, specifically requests, or intentionally causes another~~
33 ~~person to distribute that image.~~

34 ~~(C) As used in this paragraph, "intimate body part" means any~~
35 ~~portion of the genitals, the anus and in the case of a female, also~~
36 ~~includes any portion of the breasts below the top of the areola, that~~
37 ~~is either uncovered or clearly visible through clothing.~~

38 ~~(D) It shall not be a violation of this paragraph to distribute an~~
39 ~~image described in subparagraph (A) if any of the following~~
40 ~~applies:~~

1 ~~(i) The distribution is made in the course of reporting an~~
2 ~~unlawful activity.~~

3 ~~(ii) The distribution is made in compliance with a subpoena or~~
4 ~~other court order for use in a legal proceeding.~~

5 ~~(iii) The distribution is made in the course of a lawful public~~
6 ~~proceeding.~~

7 ~~(5) This subdivision shall not preclude punishment under any~~
8 ~~section of law providing for greater punishment.~~

9 ~~(k) In any accusatory pleading charging a violation of~~
10 ~~subdivision (b), if the defendant has been once previously convicted~~
11 ~~of a violation of that subdivision, the previous conviction shall be~~
12 ~~charged in the accusatory pleading. If the previous conviction is~~
13 ~~found to be true by the jury, upon a jury trial, or by the court, upon~~
14 ~~a court trial, or is admitted by the defendant, the defendant shall~~
15 ~~be imprisoned in a county jail for a period of not less than 45 days~~
16 ~~and shall not be eligible for release upon completion of sentence,~~
17 ~~on probation, on parole, on work furlough or work release, or on~~
18 ~~any other basis until he or she has served a period of not less than~~
19 ~~45 days in a county jail. In all cases in which probation is granted,~~
20 ~~the court shall require as a condition thereof that the person be~~
21 ~~confined in a county jail for at least 45 days. In no event does the~~
22 ~~court have the power to absolve a person who violates this~~
23 ~~subdivision from the obligation of spending at least 45 days in~~
24 ~~confinement in a county jail.~~

25 ~~In any accusatory pleading charging a violation of subdivision~~
26 ~~(b), if the defendant has been previously convicted two or more~~
27 ~~times of a violation of that subdivision, each of these previous~~
28 ~~convictions shall be charged in the accusatory pleading. If two or~~
29 ~~more of these previous convictions are found to be true by the jury,~~
30 ~~upon a jury trial, or by the court, upon a court trial, or are admitted~~
31 ~~by the defendant, the defendant shall be imprisoned in a county~~
32 ~~jail for a period of not less than 90 days and shall not be eligible~~
33 ~~for release upon completion of sentence, on probation, on parole,~~
34 ~~on work furlough or work release, or on any other basis until he~~
35 ~~or she has served a period of not less than 90 days in a county jail.~~
36 ~~In all cases in which probation is granted, the court shall require~~
37 ~~as a condition thereof that the person be confined in a county jail~~
38 ~~for at least 90 days. In no event does the court have the power to~~
39 ~~absolve a person who violates this subdivision from the obligation~~
40 ~~of spending at least 90 days in confinement in a county jail.~~

1 In addition to any punishment prescribed by this section, a court
2 may suspend, for not more than 30 days, the privilege of the person
3 to operate a motor vehicle pursuant to Section 13201.5 of the
4 Vehicle Code for any violation of subdivision (b) that was
5 committed within 1,000 feet of a private residence and with the
6 use of a vehicle. In lieu of the suspension, the court may order a
7 person's privilege to operate a motor vehicle restricted, for not
8 more than six months, to necessary travel to and from the person's
9 place of employment or education. If driving a motor vehicle is
10 necessary to perform the duties of the person's employment, the
11 court may also allow the person to drive in that person's scope of
12 employment.

13 ~~(l) (1) A second or subsequent violation of subdivision (j) is~~
14 ~~punishable by imprisonment in a county jail not exceeding one~~
15 ~~year, or by a fine not exceeding two thousand dollars (\$2,000), or~~
16 ~~by both that fine and imprisonment.~~

17 ~~(2) If the victim of a violation of subdivision (j) was a minor at~~
18 ~~the time of the offense, the violation is punishable by imprisonment~~
19 ~~in a county jail not exceeding one year, or by a fine not exceeding~~
20 ~~two thousand dollars (\$2,000), or by both that fine and~~
21 ~~imprisonment.~~

22 ~~(m) (1) If a crime is committed in violation of subdivision (b)~~
23 ~~and the person who was solicited was a minor at the time of the~~
24 ~~offense, and if the defendant knew or should have known that the~~
25 ~~person who was solicited was a minor at the time of the offense,~~
26 ~~the violation is punishable by imprisonment in a county jail for~~
27 ~~not less than two days and not more than one year, or by a fine not~~
28 ~~exceeding ten thousand dollars (\$10,000), or by both that fine and~~
29 ~~imprisonment.~~

30 ~~(2) The court may, in unusual cases, when the interests of justice~~
31 ~~are best served, reduce or eliminate the mandatory two days of~~
32 ~~imprisonment in a county jail required by this subdivision. If the~~
33 ~~court reduces or eliminates the mandatory two days' imprisonment,~~
34 ~~the court shall specify the reason on the record.~~

35 SEC. 7. Section 653.22 of the Penal Code is amended to read:

36 653.22. (a) (1) Except as specified in paragraph (2), it is
37 unlawful for any person to loiter in any public place with the intent
38 to commit prostitution. This intent is evidenced by acting in a
39 manner and under circumstances that openly demonstrate the

1 ~~purpose of inducing, enticing, or soliciting prostitution, or~~
2 ~~procuring another to commit prostitution.~~

3 ~~(2) Notwithstanding paragraph (1), commencing June 30, 2017,~~
4 ~~an arrest shall not be made and punishment may not be imposed~~
5 ~~for a violation of paragraph (1) on a person under 18 years of age~~
6 ~~who exchanges, or attempts or offers to exchange, sex acts in return~~
7 ~~for money or other consideration. Instead, the person may be~~
8 ~~subject to the jurisdiction of the juvenile court pursuant to~~
9 ~~paragraph (2) of subdivision (b) of Section 300 of the Welfare and~~
10 ~~Institutions Code. A peace officer who detains a minor for a~~
11 ~~violation of this section shall report suspected abuse or neglect of~~
12 ~~the minor to the agency given responsibility for investigation of~~
13 ~~cases under Section 300 of the Welfare and Institutions Code in~~
14 ~~accordance with Section 11166.~~

15 ~~(b) Among the circumstances that may be considered in~~
16 ~~determining whether a person loiters with the intent to commit~~
17 ~~prostitution are that the person:~~

18 ~~(1) Repeatedly beckons to, stops, engages in conversations with,~~
19 ~~or attempts to stop or engage in conversations with passersby,~~
20 ~~indicative of soliciting for prostitution.~~

21 ~~(2) Repeatedly stops or attempts to stop motor vehicles by~~
22 ~~hailing the drivers, waving arms, or making any other bodily~~
23 ~~gestures, or engages or attempts to engage the drivers or passengers~~
24 ~~of the motor vehicles in conversation, indicative of soliciting for~~
25 ~~prostitution.~~

26 ~~(3) Has been convicted of violating this section, subdivision (a)~~
27 ~~or (b) of Section 647, or any other offense relating to or involving~~
28 ~~prostitution, within five years of the arrest under this section.~~

29 ~~(4) Circles an area in a motor vehicle and repeatedly beckons~~
30 ~~to, contacts, or attempts to contact or stop pedestrians or other~~
31 ~~motorists, indicative of soliciting for prostitution.~~

32 ~~(5) Has engaged, within six months prior to the arrest under this~~
33 ~~section, in any behavior described in this subdivision, with the~~
34 ~~exception of paragraph (3), or in any other behavior indicative of~~
35 ~~prostitution activity.~~

36 ~~(c) The list of circumstances set forth in subdivision (b) is not~~
37 ~~exclusive. The circumstances set forth in subdivision (b) should~~
38 ~~be considered particularly salient if they occur in an area that is~~
39 ~~known for prostitution activity. Any other relevant circumstances~~
40 ~~may be considered in determining whether a person has the~~

1 requisite intent. Moreover, no one circumstance or combination
2 of circumstances is in itself determinative of intent. Intent must
3 be determined based on an evaluation of the particular
4 circumstances of each case.

5 ~~SEC. 8.~~

6 *SEC. 5.* Section 13519.14 of the Penal Code is amended to
7 read:

8 13519.14. (a) The commission shall implement by January 1,
9 2007, a course or courses of instruction for the training of law
10 enforcement officers in California in the handling of human
11 trafficking complaints and also shall develop guidelines for law
12 enforcement response to human trafficking. The course or courses
13 of instruction and the guidelines shall stress the dynamics and
14 manifestations of human trafficking, identifying and
15 communicating with victims, providing documentation that satisfy
16 the Law Enforcement Agency (LEA) endorsement required by
17 federal law, collaboration with federal law enforcement officials,
18 therapeutically appropriate investigative techniques, the availability
19 of civil and immigration remedies and community resources, and
20 protection of the victim. Where appropriate, the training presenters
21 shall include human trafficking experts with experience in the
22 delivery of direct services to victims of human trafficking.
23 Completion of the course may be satisfied by telecommunication,
24 video training tape, or other instruction.

25 (b) As used in this section, "law enforcement officer" means
26 any officer or employee of a local police department or sheriff's
27 office, and any peace officer of the Department of the California
28 Highway Patrol, as defined by subdivision (a) of Section 830.2.

29 (c) The course of instruction, the learning and performance
30 objectives, the standards for the training, and the guidelines shall
31 be developed by the commission in consultation with appropriate
32 groups and individuals having an interest and expertise in the field
33 of human trafficking.

34 (d) The commission, in consultation with these groups and
35 individuals, shall review existing training programs to determine
36 in what ways human trafficking training may be included as a part
37 of ongoing programs.

38 (e) Every law enforcement officer who is assigned field or
39 investigative duties shall complete a minimum of two hours of
40 training in a course or courses of instruction pertaining to the

1 handling of human trafficking complaints as described in
2 subdivision (a) by July 1, 2014, or within six months of being
3 assigned to that position, whichever is later.

4 (f) The commission shall update the training implemented
5 pursuant to this section by July 1, 2018, to include specific
6 instruction on law enforcement responsibilities to determine the
7 status of children as victims of human trafficking pursuant to
8 ~~Sections 236.21, 236.22, 647 and 653.22. Section 236.21.~~

9 ~~SEC. 9.~~

10 *SEC. 6.* Section 300 of the Welfare and Institutions Code is
11 amended to read:

12 300. A child who comes within any of the following
13 descriptions is within the jurisdiction of the juvenile court which
14 may adjudge that person to be a dependent child of the court:

15 (a) The child has suffered, or there is a substantial risk that the
16 child will suffer, serious physical harm inflicted nonaccidentally
17 upon the child by the child's parent or guardian. For purposes of
18 this subdivision, a court may find there is a substantial risk of
19 serious future injury based on the manner in which a less serious
20 injury was inflicted, a history of repeated inflictions of injuries on
21 the child or the child's siblings, or a combination of these and other
22 actions by the parent or guardian that indicate the child is at risk
23 of serious physical harm. For purposes of this subdivision, "serious
24 physical harm" does not include reasonable and age-appropriate
25 spanking to the buttocks if there is no evidence of serious physical
26 injury.

27 (b) (1) The child has suffered, or there is a substantial risk
28 that the child will suffer, serious physical harm or illness, as a
29 result of the failure or inability of his or her parent or guardian to
30 adequately supervise or protect the child, or the willful or negligent
31 failure of the child's parent or guardian to adequately supervise
32 or protect the child from the conduct of the custodian with whom
33 the child has been left, or by the willful or negligent failure of the
34 parent or guardian to provide the child with adequate food,
35 clothing, shelter, or medical treatment, or by the inability of the
36 parent or guardian to provide regular care for the child due to the
37 parent's or guardian's mental illness, developmental disability, or
38 substance abuse. A child shall not be found to be a person described
39 by this subdivision solely due to the lack of an emergency shelter
40 for the family. Whenever it is alleged that a child comes within

1 the jurisdiction of the court on the basis of the parent's or
2 guardian's willful failure to provide adequate medical treatment
3 or specific decision to provide spiritual treatment through prayer,
4 the court shall give deference to the parent's or guardian's medical
5 treatment, nontreatment, or spiritual treatment through prayer alone
6 in accordance with the tenets and practices of a recognized church
7 or religious denomination, by an accredited practitioner thereof,
8 and shall not assume jurisdiction unless necessary to protect the
9 child from suffering serious physical harm or illness. In making
10 its determination, the court shall consider (1) the nature of the
11 treatment proposed by the parent or guardian, (2) the risks to the
12 child posed by the course of treatment or nontreatment proposed
13 by the parent or guardian, (3) the risk, if any, of the course of
14 treatment being proposed by the petitioning agency, and (4) the
15 likely success of the courses of treatment or nontreatment proposed
16 by the parent or guardian and agency. The child shall continue to
17 be a dependent child pursuant to this subdivision only so long as
18 is necessary to protect the child from risk of suffering serious
19 physical harm or illness.

20 (2) The Legislature finds and declares that a child who is a
21 human trafficking victim, as defined in paragraph (7) of subdivision
22 (h) of Section 236.1 of the Penal Code, or who receives food or
23 shelter in exchange for, or who is paid to perform, sexual acts
24 described in Section 11165.1 of the Penal Code, and whose parent
25 or guardian failed to, or was unable to, protect the child, is within
26 the description of this subdivision, and that this finding is
27 declaratory of existing law. These children shall be known as child
28 trafficking victims or commercially sexually exploited children.

29 (c) The child is suffering serious emotional damage, or is at
30 substantial risk of suffering serious emotional damage, evidenced
31 by severe anxiety, depression, withdrawal, or untoward aggressive
32 behavior toward self or others, as a result of the conduct of the
33 parent or guardian or who has no parent or guardian capable of
34 providing appropriate care. A child shall not be found to be a
35 person described by this subdivision if the willful failure of the
36 parent or guardian to provide adequate mental health treatment is
37 based on a sincerely held religious belief and if a less intrusive
38 judicial intervention is available.

39 (d) The child has been sexually abused, or there is a substantial
40 risk that the child will be sexually abused, as defined in Section

1 11165.1 of the Penal Code, by his or her parent or guardian or a
2 member of his or her household, or the parent or guardian has
3 failed to adequately protect the child from sexual abuse when the
4 parent or guardian knew or reasonably should have known that
5 the child was in danger of sexual abuse.

6 (e) The child is under the age of five years and has suffered
7 severe physical abuse by a parent, or by any person known by the
8 parent, if the parent knew or reasonably should have known that
9 the person was physically abusing the child. For the purposes of
10 this subdivision, "severe physical abuse" means any of the
11 following: any single act of abuse which causes physical trauma
12 of sufficient severity that, if left untreated, would cause permanent
13 physical disfigurement, permanent physical disability, or death;
14 any single act of sexual abuse which causes significant bleeding,
15 deep bruising, or significant external or internal swelling; or more
16 than one act of physical abuse, each of which causes bleeding,
17 deep bruising, significant external or internal swelling, bone
18 fracture, or unconsciousness; or the willful, prolonged failure to
19 provide adequate food. A child shall not be removed from the
20 physical custody of his or her parent or guardian on the basis of a
21 finding of severe physical abuse unless the social worker has made
22 an allegation of severe physical abuse pursuant to Section 332.

23 (f) The child's parent or guardian caused the death of another
24 child through abuse or neglect.

25 (g) The child has been left without any provision for support;
26 physical custody of the child has been voluntarily surrendered
27 pursuant to Section 1255.7 of the Health and Safety Code and the
28 child has not been reclaimed within the 14-day period specified
29 in subdivision (g) of that section; the child's parent has been
30 incarcerated or institutionalized and cannot arrange for the care of
31 the child; or a relative or other adult custodian with whom the child
32 resides or has been left is unwilling or unable to provide care or
33 support for the child, the whereabouts of the parent are unknown,
34 and reasonable efforts to locate the parent have been unsuccessful.

35 (h) The child has been freed for adoption by one or both parents
36 for 12 months by either relinquishment or termination of parental
37 rights or an adoption petition has not been granted.

38 (i) The child has been subjected to an act or acts of cruelty by
39 the parent or guardian or a member of his or her household, or the
40 parent or guardian has failed to adequately protect the child from

1 an act or acts of cruelty when the parent or guardian knew or
2 reasonably should have known that the child was in danger of
3 being subjected to an act or acts of cruelty.

4 (j) The child's sibling has been abused or neglected, as defined
5 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
6 that the child will be abused or neglected, as defined in those
7 subdivisions. The court shall consider the circumstances
8 surrounding the abuse or neglect of the sibling, the age and gender
9 of each child, the nature of the abuse or neglect of the sibling, the
10 mental condition of the parent or guardian, and any other factors
11 the court considers probative in determining whether there is a
12 substantial risk to the child.

13 It is the intent of the Legislature that this section not disrupt the
14 family unnecessarily or intrude inappropriately into family life,
15 prohibit the use of reasonable methods of parental discipline, or
16 prescribe a particular method of parenting. Further, this section is
17 not intended to limit the offering of voluntary services to those
18 families in need of assistance but who do not come within the
19 descriptions of this section. To the extent that savings accrue to
20 the state from child welfare services funding obtained as a result
21 of the enactment of the act that enacted this section, those savings
22 shall be used to promote services which support family
23 maintenance and family reunification plans, such as client
24 transportation, out-of-home respite care, parenting training, and
25 the provision of temporary or emergency in-home caretakers and
26 persons teaching and demonstrating homemaking skills. The
27 Legislature further declares that a physical disability, such as
28 blindness or deafness, is no bar to the raising of happy and
29 well-adjusted children and that a court's determination pursuant
30 to this section shall center upon whether a parent's disability
31 prevents him or her from exercising care and control. The
32 Legislature further declares that a child whose parent has been
33 adjudged a dependent child of the court pursuant to this section
34 shall not be considered to be at risk of abuse or neglect solely
35 because of the age, dependent status, or foster care status of the
36 parent.

37 As used in this section, "guardian" means the legal guardian of
38 the child.

1 ~~SEC. 10.~~

2 SEC. 7. Chapter 4 (commencing with Section 2200) is added
3 to Division 2.5 of the Welfare and Institutions Code, to read:

4
5 CHAPTER 4. STATE PLAN TO SERVE AND PROTECT CHILD
6 TRAFFICKING VICTIMS
7

8 2200. This chapter shall be known, and may be cited, as the
9 State Plan to Serve and Protect Child Trafficking Victims.

10 2201. (a) The purpose of this chapter is to establish the
11 framework for a coordinated effort and plan to serve and protect
12 all children who are human trafficking victims. In the
13 implementation of the continuum of care reform, pursuant to
14 Chapter 773 of the Statutes of 2015, the State Department of Social
15 Services shall ensure the necessary care, support, social service
16 needs, and treatment of child trafficking victims in the child welfare
17 system.

18 (b) The California Health and Human Services Agency shall,
19 no later than January 30, 2017, convene an interagency workgroup,
20 in accordance with Section 2202 for the purposes specified in
21 subdivision (a), in consultation with the California Child Welfare
22 Council established pursuant to Section 16540, and to continue
23 the work currently being done under the council's direction.

24 (c) For purposes of this chapter, "child trafficking victim" has
25 the meaning set forth in paragraph (2) of subdivision (b) of Section
26 300.

27 2202. (a) The interagency workgroup shall be comprised of
28 representatives from the State Department of Health Care Services,
29 the Children and Family Services Division of the State Department
30 of Social Services, the Department of Corrections and
31 Rehabilitation, Division of Juvenile Justice, and the State
32 Department of Education, and shall include a broad spectrum of
33 stakeholders who are responsible for addressing the needs of this
34 population, including, but not limited to, local government
35 agencies, human trafficking service providers, the County
36 Behavioral Directors Association of California, county probation
37 officers, the County Welfare Directors Association of California,
38 *district attorneys, public defenders, youth advocates, juvenile court*
39 *representatives, and human trafficking survivors.*

1 (b) The workgroup shall conduct a thorough review of existing
2 programs and services for child trafficking victims to identify areas
3 of need. The workgroup shall develop strategies and
4 recommendations for policies, interagency response protocols, and
5 services that will ensure that child trafficking victims have access
6 to the services and support needed for their safety and recovery.

7 (c) The workgroup shall develop a comprehensive state plan to
8 serve and protect sexually exploited and trafficked minors,
9 including recommendations and a timeline for implementation.
10 The plan shall include, at a minimum, all of the following:

11 (1) A multiagency-coordinated child trafficking response
12 protocol and guidelines for local implementation that address
13 prevention, identification, screening, assessment, immediate and
14 safe shelter, and clear lines of ongoing responsibility to ensure that
15 child trafficking victims have access to the necessary continuum
16 of treatment options, as determined by the workgroup.

17 (2) Whether new specialized services and programs are needed
18 to ensure that child trafficking victims have access to safe and
19 appropriate services, the identification of funding sources, and a
20 timeline for the creation of those services and programs.

21 (3) The identification of training needs for child welfare staff,
22 law enforcement, and probation staff regarding child trafficking
23 response protocols, and a plan and timeline to implement necessary
24 training.

25 (4) The development of data collection and sharing protocols
26 among agencies.

27 (d) In developing the plan, the workgroup shall consider both
28 of the following:

29 (1) Existing laws and practices in other states and jurisdictions
30 that have developed response protocols and policies to respond to
31 sexual exploitation of minors and child trafficking and the
32 outcomes and unintended consequences of those protocols and
33 policies.

34 (2) The adequacy of existing response protocols and services,
35 including identification, screening, assessment, immediate and
36 safe shelter, and the range of treatment options for child trafficking
37 victims.

38 (e) The workgroup, in collaboration with the California Child
39 Welfare Council, shall submit the plan, including implementation

1 recommendations and a timeline, to the Legislature, Judicial
2 Council, and the Governor no later than January 30, 2018.

3 (f) Reports submitted to the Legislature pursuant to this section
4 shall be submitted in compliance with Section 9795 of the
5 Government Code.

6 ~~SEC. 11.~~

7 *SEC. 8.* Chapter 5 (commencing with Section 2300) is added
8 to Division 2.5 of the Welfare and Institutions Code, to read:

9
10 CHAPTER 5. DEVELOPMENT OF SPECIALIZED FACILITIES AND
11 ASSESSMENT TOOLS TO PROTECT CHILD TRAFFICKING VICTIMS
12

13 2300. (a) In the implementation of the continuum of care
14 reform, pursuant to Chapter 773 of the Statutes of 2015, the State
15 Department of Social Services shall ensure the necessary care,
16 support, social service needs, and treatment of child trafficking
17 victims in the child welfare system. It shall establish,—in
18 ~~consultation after consultation~~ with county welfare departments
19 *departments, the interagency workgroup established pursuant to*
20 *Section 2202, and other stakeholders as appropriate, a working*
21 *group to develop recommendations for the board, care, and*
22 *supervision of child trafficking victims as defined in paragraph*
23 *(2) of subdivision (b) of Section 300 who are in need of a*
24 *placement in facilities that will protect them from traffickers and*
25 *provide needed specialized support and services. The plan shall*
26 *address placement options that promote a continuum of care based*
27 *on the best interests of the youth, including placements that provide*
28 *immediate crisis care and assessment in facilities in which victims*
29 *are protected from their traffickers, long-term placements in*
30 *family-based settings, and specialized specialized boarding schools,*
31 *and* *congregate care placements that support independent living*
32 *with services that promote successful transition to adulthood. The*
33 *recommendations shall be included in the recommendations*
34 *submitted pursuant to Section 11461.2.*

35 (b) In developing its recommendations, the department shall
36 identify strategies to do all of the following:

37 (1) Recruit and train family-based foster care providers
38 specifically to serve this population and considerations for their
39 need for safety when caring for this population.

(2) Support family finding and engagement activities for child trafficking victims as defined in paragraph (2) of subdivision (b) of Section 300 and for children who are at risk of becoming victims.

(3) Support training and education for at-risk foster youth in out-of-home placements *and boarding schools* to reduce the likelihood of human trafficking as specified in subdivisions (a), (b), and (c), of Section 236.1 of the Penal Code.

(4) Support drop-in centers to provide crisis intervention and support to trafficked or commercially exploited minors and to re-engage them in the child welfare system.

(5) Provide for an exemption process for human trafficking victims to be employed in foster care facilities if the crime was committed under threat from their trafficker.

2301. (a) The State Department of Social Services, with input from county child welfare agencies, probation-departments, departments, *the interagency workgroup established pursuant to Section 2202*, and other stakeholders as appropriate, shall identify, develop, and disseminate screening tools for use by county child welfare and probation staff to identify children who are or are at risk of becoming child trafficking victims as defined by paragraph (2) of subdivision (b) of Section 300. No later than December 31, 2017, the department shall provide counties with guidance on the use of the screening tools, including when youth are referred to or placed into care, as appropriate for children who are at risk and in the foster care system.

(b) The State Department of Social Services and the State Department of Health Care Services, in consultation with county child welfare and county mental health representatives and other stakeholders as appropriate, shall identify tools and best practices to screen, assess and serve child trafficking victims. The department shall develop curriculum and provide training to local ~~multi-disciplinary~~ *multidisciplinary* teams as defined in paragraph (2) of subdivision (c) of Section 2303 no later than December 31, 2017, for *identifying*, assessing and jointly serving this population.

2302. (a) The State Department of Social Services, in consultation with the County Welfare Directors-~~Association~~, *Association and the interagency workgroup established pursuant to Section 2202*, shall ensure that the Child Welfare Services Case Management System is capable of collecting data concerning child

1 trafficking victims as defined in paragraph (2) of subdivision (c)
2 of Section 300, including children who are referred to the child
3 abuse hotline, as well as children currently served by child welfare
4 and probation departments and who subsequently are identified
5 as child trafficking victims.

6 (b) The department shall complete the requirements of
7 subdivision (a) no later than December 1, 2017, including the
8 dissemination of any necessary instructions on data entry to county
9 child welfare staff.

10 2303. (a) (1) Each county shall develop an interagency
11 protocol to be utilized in serving child trafficking victims as defined
12 in paragraph (2) of subdivision (b) of Section 300. Each county's
13 protocol shall be adopted by the board of supervisors not later than
14 June 30, 2017. The protocols shall identify the roles and
15 responsibilities of county-based agencies and other local service
16 providers in responding to and supporting a coordinated community
17 response to serve victims of trafficking or commercial sexual
18 exploitation. At minimum, the protocol shall identify the roles and
19 responsibilities of the following county administrators in their
20 oversight and administration of services to victims:

21 (A) The district attorney.

22 (B) Behavioral health.

23 (C) Child welfare.

24 (D) Probation.

25 (E) Public health.

26 (F) Substance use disorder services.

27 (G) ~~The Sheriff.~~ *sheriff and local police departments.*

28 (H) The County Superintendent of Schools.

29 (I) The presiding juvenile court judge.

30 (J) *The public defender.*

31 (2) The county interagency protocol shall be developed by a
32 team led by a representative appointed by the director of the county
33 human services department and shall include representatives
34 appointed by the director of each of the agencies listed in paragraph
35 (1).

36 (3) The county shall ensure input into the development of local
37 protocols from local service providers specializing in services to
38 victims of rape and sexual assault, runaways and homeless youth,
39 youth advocates, survivors of trafficking, and others as deemed
40 appropriate.

(b) At a minimum, the interagency protocol shall address the provision of services to child trafficking victims, including but not limited to, all of the following:

(1) Identifying at least one representative from each county agency noted in subdivision (a) to serve as a point of contact with specialized training on serving victims of trafficking or commercial sexual exploitation.

(2) The use of a multidisciplinary *collaborative* team approach to provide coordinated case management, service planning, and services to minors. A multidisciplinary team serving a minor pursuant to this section shall include, but not be limited to, appropriate staff from the county child welfare, probation, mental health, substance use disorder, and public health departments. As warranted, the multidisciplinary team may also include representatives from local law enforcement, prosecutors, and defense attorneys, attorneys representing children, federal law enforcement, school-based personnel, and community-based providers, as determined by local protocols.

(c) The protocol shall describe how the county will adhere to the following principles in serving this population:

(1) View trafficked minors or commercial sexually exploited youth as victims, not criminals, avoiding arrest and detention whenever possible.

(2) Provide youth with “victim-centered” and trauma-informed care and services.

(3) Make youth safety a key concern.

(4) Treat victims with respect and take into account their cultural and linguistic needs.

(5) Support continuous quality improvement based on available data, research, and experience to improve system response and better outcomes for child victims of trafficking or commercial exploitation.

(6) Involve human trafficking victims in the providing of supportive services.

(7) Provide recommendations and updates to the State Plan to Serve and Protect Child Trafficking Victims, as described in Chapter 4 (commencing with Section 2200) of Division 2.5.

~~SEC. 12.~~

SEC. 9. Section 16206 of the Welfare and Institutions Code is amended to read:

16206. (a) The purpose of the program is to develop and implement statewide coordinated training programs designed specifically to meet the needs of county child protective services social workers assigned emergency response, family maintenance, family reunification, permanent placement, and adoption responsibilities. It is the intent of the Legislature that the program include training for other agencies under contract with county welfare departments to provide child welfare services. In addition, the program shall provide training programs for persons defined as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The program shall provide the services required in this section to the extent possible within the total allocation. If allocations are insufficient, the department, in consultation with the grantee or grantees and the Child Welfare Training Advisory Board, shall prioritize the efforts of the program, giving primary attention to the most urgently needed services. County child protective services social workers assigned emergency response responsibilities shall receive first priority for training pursuant to this section.

(b) The training program shall provide practice-relevant training for mandated child abuse reporters and all members of the child welfare delivery system that will address critical issues affecting the well-being of children, and shall develop curriculum materials and training resources for use in meeting staff development needs of mandated child abuse reporters and child welfare personnel in public and private agency settings.

(c) The training provided pursuant to this section shall include all of the following:

- (1) Crisis intervention.
- (2) Investigative techniques.
- (3) Rules of evidence.
- (4) Indicators of abuse and neglect.
- (5) Assessment criteria, including the application of guidelines for assessment of relatives for placement according to the criteria described in Section 361.3.
- (6) Intervention strategies.
- (7) Legal requirements of child protection, including requirements of child abuse reporting laws.
- (8) Case management.

- 1 (9) Use of community resources.
- 2 (10) Information regarding the dynamics and effects of domestic
- 3 violence upon families and children, including indicators and
- 4 dynamics of teen dating violence.
- 5 (11) Post-traumatic stress disorder and the causes, symptoms,
- 6 and treatment of post-traumatic stress disorder in children.
- 7 (12) The importance of maintaining relationships with
- 8 individuals who are important to a child in out-of-home placement,
- 9 including methods to identify those individuals, consistent with
- 10 the child's best interests, including, but not limited to, asking the
- 11 child about individuals who are important, and ways to maintain
- 12 and support those relationships.
- 13 (13) Instruction on cultural competency and sensitivity and
- 14 related best practices for providing adequate care to child
- 15 trafficking victims.
- 16 (14) The legal duties of a child protective services social worker,
- 17 in order to protect the legal rights and safety of children and
- 18 families from the initial time of contact during investigation
- 19 through treatment.
- 20 (15) The information described in subdivision (d) of Section
- 21 16501.4.
- 22 (d) The training provided pursuant to this section may also
- 23 include any or all of the following:
- 24 (1) Child development and parenting.
- 25 (2) Intake, interviewing, and initial assessment.
- 26 (3) Casework and treatment.
- 27 (4) Medical aspects of child abuse and neglect.
- 28 (e) The training program in each county shall assess the
- 29 program's performance at least annually and forward it to the State
- 30 Department of Social Services for an evaluation. The assessment
- 31 shall include, at a minimum, all of the following:
- 32 (1) Workforce data, including education, qualifications, and
- 33 demographics.
- 34 (2) The number of persons trained.
- 35 (3) The type of training provided.
- 36 (4) The degree to which the training is perceived by participants
- 37 as useful in practice.
- 38 (5) Any additional information or data deemed necessary by
- 39 the department for reporting, oversight, and monitoring purposes.

(f) The training program shall provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. The training shall be developed in consultation with the Child Welfare Training Advisory Board and domestic violence victims' advocates and other public and private agencies that provide programs for victims of domestic violence or programs of intervention for perpetrators.

~~SEC. 13.~~

SEC. 10. Section 16540 of the Welfare and Institutions Code is amended to read:

16540. The California Child Welfare Council is hereby established, which shall serve as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children and youth in the child welfare and foster care systems. The council shall monitor and report the extent to which child welfare and foster care programs and the courts are responsive to the needs of children in their joint care. The council shall issue advisory reports whenever it deems appropriate, but in any event, no less frequently than annually, to the Governor, the Legislature, the Judicial Council, and the public. A report of the Child Welfare Council shall, at a minimum, include recommendations for all of the following:

(a) Ensuring that all state child welfare, foster care, and judicial funding and services for children, youth, and families is, to the greatest extent possible, coordinated to eliminate fragmentation and duplication of services provided to children or families who would benefit from integrated multiagency services.

(b) Increasing the quality, appropriateness, and effectiveness of program services and judicial processes delivered to children, youth, and families who would benefit from integrated multiagency services to achieve better outcomes for these children, youth, and families.

(c) Promoting consistent program and judicial excellence across counties to the greatest extent possible while recognizing the demographic, geographic, and financial differences among the counties.

(d) Increasing collaboration and coordination between county agencies, state agencies, federal agencies, and the courts.

1 (e) Ensuring that all state Title IV-E plans, program
2 improvement plans, and court improvement plans demonstrate
3 effective collaboration between public agencies and the courts.

4 (f) Assisting the Secretary of California Health and Human
5 Services and the chief justice in formulating policies for the
6 effective administration of the child welfare and foster care
7 programs and judicial processes.

8 (g) Modifying program practices and court processes, rate
9 structures, and other system changes needed to promote and support
10 relative caregivers, family foster parents, therapeutic placements,
11 and other placements for children who cannot remain in the family
12 home.

13 (h) Developing data- and information-sharing agreements and
14 protocols for the exchange of aggregate data across program and
15 court systems that are providing services to children and families
16 in the child welfare system. These data-sharing agreements shall
17 allow child welfare agencies and the courts to access data
18 concerning the health, mental health, special education, and
19 educational status and progress of children served by county child
20 welfare systems subject to state and federal confidentiality laws
21 and regulations. They shall be developed in tandem with the
22 establishment of judicial case management systems as well as
23 additional or enhanced performance measures described in
24 subdivision (b) of Section 16544.

25 (i) Developing systematic methods for obtaining policy
26 recommendations from foster youth about the effectiveness and
27 quality of program services and judicial processes, and ensuring
28 that the interests of foster youth are adequately addressed in all
29 policy development.

30 (j) Implementing legislative enactments in the child welfare and
31 foster care programs and the courts, and reporting to the Legislature
32 on the timeliness and consistency of the implementation.

33 (k) Monitoring the adequacy of resources necessary for the
34 implementation of existing programs and court processes, and the
35 prioritization of program and judicial responsibilities.

36 (l) Strengthening and increasing the independence and authority
37 of the foster care ombudsperson.

38 (m) Coordinating available services for former foster youth and
39 improving outreach efforts to those youth and their families.

1 (n) Providing recommendations and updates to the State Plan
2 to Serve and Protect Child Trafficking Victims, as described in
3 Chapter 4 (commencing with Section 2200) of Division 2.5.

4 ~~SEC. 14.~~

5 *SEC. 11.* If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

O